

IV. REMARKS

Status of the Claims

Claims 10 and 20 are amended and claims 28-31 are cancelled. Claims 1-27 are presented for further consideration.

Summary of the Office Action

Claims 1-6, 8,9, 11-16, 18-19, 21-24, and 26-31 stand rejected under 35USC102(e) on the basis of the cited reference Sakoda, U.S. Patent No. 6,665,533. Claims 7,17, and 25 stand rejected under 35USC103(a) based on the cited reference Sakoda in view of the cited reference Jacob, et al, U.S. Patent No. 6,636,590. Claims 1 and 20 stand rejected under 35USC112. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

It is believed that the Examiner's rejection of claims 10 and 20 under 35USC112 is fully met by the amendments submitted above.

Discussion of the Cited Reference

The Examiner relies on the reference Sakoda to support the rejection based on anticipation and as primary support for the rejection based on obviousness.

The reference Sakoda describes a system, as described in column 2, lines 26-30 as:

"An object of the present invention is to provide a communication system capable of broadcasting desired advertisements and other information to a large number of unspecified terminals."

Accordingly the system of Sakoda is not for distributing requested content, such as music, but is directed to broadcasting advertisements over a common traffic channel. The system of Sakoda does not rely on a registration and queing of requests for

content to distribute its advertisements, but broadcasts indiscriminately, when a common traffic channel opens. The Examiner indicates that the system of Sakoda registers received transmission requests in the transmission queue and refers to the following excerpt from the disclosure of Sakoda at column 7, lines 9-13, as follows:

"Upon correctly receiving this, the CS 20.sub.-i further forwards or transfers it to the contents server 10 (demand for contents). The contents server 10 searches for and extracts the requested information (requested contents) and provides it to the requesting terminal 30.sub.-j."

This cited reference does not disclose any queue nor is there such a teaching anywhere in the disclosure of Sakoda. Sakoda merely checks whether information requested is stored and then proceeds to provide the requested information to the terminal. It should be stressed that the information request is only a vehicle for broadcasting advertisements. There is no reliance on a queue for sending requested information or advertisements.

The Examiner also indicates that the system of Sakoda reads the content having a transmission turn from the transmission queue, but since there are no queuing of transmission requests there can be no reading from a queue. Sakoda does not need a queue because it is not interested in the content request, but only in broadcasting advertisements. This is made clear at column 7, lines 38-57, as follows:

"Specific information for the users is transferred on demand as before via the traffic channel (TCH), while advertisements are periodically distributed from the CS's 20.sub.-i not via the traffic channel (TCH) but by the common traffic channel (CTCH).

Accordingly, the distribution of advertisements does not interfere with the traffic channel (TCH).

Also, the terminal 30.sub.-j counts and stores in the storage 34 the date the advertisement was received over the common traffic channel (CTCH), the ID number of the CS 20.sub.-i transmitting the advertisement, the number of times and the time the advertisement was displayed/reproduced for the user, etc.

The information is delivered to the network side attached as advertisement reception history information when the terminal 30.sub.-j transmits position registration, acknowledgment, etc., and other control information required for connection with the existing network, namely, at the time of the cell search."

Applicant submits that in view of the above, the cited reference Sakoda does not support the Examiner's rejection based on anticipation.

The Issue of Anticipation

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of Sakoda would infringe the claims of this application, if it were later.

All of the claims of this application are directed to a system capable of providing the following functions:

"registering the received transmission request in the transmission queue maintained in the mobile communication system;

reading the service content having the transmission turn from the transmission queue when the service is transmitted; and

transmitting from the mobile communication system the service content to all mobile stations logged in to receive service content."

Since the capability of providing these claimed features is not present in the system of the reference Sakoda, there can be no infringement of the subject claims. Therefore the teaching of Sakoda does not support the rejection based on anticipation with

respect to any of the claims. Equivalent language appears in independent claim 11 and 21.

These arguments apply equally to the rejected dependent claims.

The Issue of Obviousness

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

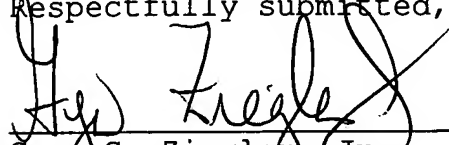
Applicant submits that the above described deficiencies of the primary reference Sakoda are not remedied by the proposed combination with the teaching of the reference Jacob et al. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Sakoda or Jacobs, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

The above arguments apply equally to the rejected dependent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Enclosed, please find a check for \$120.00 for a one month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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3 MARCH 2005
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